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2 IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel,
3 subject to the approval of the Court, that Plaintiff be awarded attorney fees and expenses in the amount of
4 seven thousand five hundred seventeen dollars and twenty five cents (\$7,637.25) under the Equal Access
5 to Justice Act (EAJA), 28 U.S.C. § 2412(d), consisting of seven thousand six hundred twenty dollars
6 (\$7,620.00) in fees and seventeen dollars and twenty five cents (\$17.25) in expenses. The parties also
7 stipulate to an award of four hundred dollars (\$400.00) in costs under 28 U.S.C. § 1920. This amount
8 represents compensation for all legal services rendered on behalf of Plaintiff by counsel in connection with
9 this civil action, in accordance with 28 U.S.C. §§ 1920; 2412(d). Accordingly, should this Court award
10 fees and expenses under EAJA and costs under 28 U.S.C. § 1920 pursuant to this stipulation, Plaintiff's
11 motion for attorney fees (ECF 23) would be moot.

12 After the Court issues an order for EAJA fees to Plaintiff, the government will consider the matter
13 of Plaintiff's assignment of EAJA fees to Howard Olinsky of the Olinsky Law Group. Pursuant to *Astrue*
14 *v. Ratliff*, 560 U.S. 586, 598, 130 S.Ct. 2521, 177 L.Ed.2d 91 (2010), the ability to honor the assignment
15 will depend on whether the fees are subject to any offset allowed under the United States Department of
16 the Treasury's Offset Program. After the order for EAJA fees is entered, the government will determine
17 whether they are subject to any offset.

18 Fees shall be made payable to Plaintiff, but if the Department of the Treasury determines that
19 Plaintiff does not owe a federal debt, then the government shall cause the payment of fees, expenses and
20 costs to be made directly to Howard Olinsky, pursuant to the assignment executed by Plaintiff. Any
21 payments made shall be delivered to Howard Olinsky.

22 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA attorney fees,
23 and does not constitute an admission of liability on the part of Defendant under the EAJA or otherwise.
24 Payment of the agreed amount shall constitute a complete release from, and bar to, any and all claims that
25 Plaintiff, Howard Olinsky, including his firm, Olinsky Law Group, and/or Hal Taylor may have relating to
26 EAJA attorney fees in connection with this action.

1 This award is without prejudice to the rights of Howard Olinsky to seek Social Security Act attorney
2 fees under 42 U.S.C. § 406(b), subject to the savings clause provisions of the EAJA.

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4 Respectfully submitted,

5 Dated: November 23, 2021

6
7 /s/ Hal Taylor*
8 HAL TAYLOR, ESQ.
9 (*authorized by e-mail on 11/23/21)
10 Of Counsel, Olinsky Law Group
11 Attorney for Plaintiff

12 Dated: November 23, 2021

13 CHRISTOPHER CHIOU
14 Acting United States Attorney

15 /s/ Marcelo Illarmo
16 MARCELO ILLARMO
17 Special Assistant United States Attorney

18 **Order**

19 IT IS ORDERED that ECF No. 26 is
20 GRANTED. Plaintiff will be awarded
21 \$7,637.25 in attorney's fees and
22 \$400.00 in costs.

23 IT IS SO ORDERED

24 DATED: 11:21 am, November 29, 2021

25 

26 BREND A WEKSLER
UNITED STATES MAGISTRATE JUDGE

CERTIFICATE OF SERVICE

I, the undersigned, am a citizen of the United States and am at least eighteen years of age. My business address is 160 Spear Street, Suite 800, San Francisco, California 94105. I am not a party to the above-entitled action. On the date set forth below, I caused service of **STIPULATION FOR THE AWARD AND PAYMENT OF ATTORNEY FEES AND EXPENSES PURSUANT TO THE EQUAL ACCESS TO JUSTICE ACT, 28 U.S.C. § 2412(d), AND COSTS PURSUANT TO 28 U.S.C. § 1920** on the following parties by electronically filing the foregoing with the Clerk of the District Court using its ECF System, which provides electronic notice of the filing:

Hal Taylor: HalTaylorLawyer@gbis.com

Attorney for Plaintiff

I declare under penalty of perjury that the foregoing is true and correct.

Dated: November 23, 2021

/s/ Marcelo Illarmo
MARCELO ILLARMO
Special Assistant United States Attorney